

1979 WL 42907 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1979

*1 Hon. Edgar A. Vanghn
State Auditor
P.O. Box 11333
Columbia, S. C. 29211

Dear Ed:

Please accept my apologies for the delay in responding to your recent inquiry concerning regulations issued by the State Budget & Control Board, included in Rule 19-10 of 'Purchasing Policies and Procedures', particularly with reference to procurement for data processing equipment and consulting services. You have advised that these revised procedures were adopted by the Board on December 21, 1978.

Upon careful analysis of the S. C. Administrative Procedures Act, [Code Section 1-23-10](#), et seq., 1976 Code, it is the opinion of this Office that such regulations are a 'statement of general public applicability that implements or prescribes law or policy or practice requirements of any agency', and consequently they must be promulgated in the formal manner prescribed by the Act, including public notice, etc. The reason for this conclusion is that prospective vendors or consultants are members of the public as distinguished from State employees. Therefore, rules or regulations affecting the public must be promulgated in the manner provided by the Act.

If this Office can be of further assistance to you in this matter, please do not hesitate to call upon us.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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